

The Department of Community Planning & Development
City Hall, Lynchburg, VA 24504 **434-455-3900**

To: Planning Commission

From: Planning Division

Date: July 14, 2004

Re: REZONING: 109 Delta Street, I-2, Light Industrial District to B-5, General Business District (Conditional)

I. PETITIONER

Mr. David. N. Blanks & Mr. Bruce Johnson, Little Horse, LLC, 725 Church St., Lynchburg, Virginia 24504

Representatives: Mr. David N. Blanks & Mr. Bruce Johnson, Little Horse, LLC, 725 Church St., Lynchburg, VA 24504

II. LOCATION

The subject property is a tract of approximately one (1) acre located at 109 Delta Street.

Property Owner: Charlotte & Frederick Lamonds, 1326 Suburban Road, Lynchburg, VA 24501.

III. PURPOSE

The purpose of the petition is to rezone approximately one (1) acre at 109 Delta Street from I-2, Light Industrial District to B-5, General Business District (Conditional) to allow the use of the property as a restaurant.

IV. SUMMARY

- Petition agrees with the Comprehensive Plan which recommends a Community Commercial use for the subject property.
- Petition agrees with the Zoning Ordinance in that restaurants are a permitted use in a B-5, General Business District.

The Planning Division recommends approval of the rezoning petition.

V. FINDINGS OF FACT

1. **Comprehensive Plan.** The Lynchburg *Comprehensive Plan* recommends a Community Commercial use for the subject property. Community Commercial areas are intended for retail, personal service, entertainment and restaurant uses that draw from the entire City. Other uses are permitted provided that traffic and other impacts to the community are mitigated.
2. **Zoning.** The subject property was annexed into the City in 1976. The I-2, Light Industrial District Zoning was established at that time.
3. **Proffers.** The petitioner voluntarily submitted the following proffers with the rezoning application:
 - The site shall be landscaped in substantial compliance with the Concept Landscape Plan (Sheet C-2).
 - Offsite improvements shall include the following:
 - a. Curb and gutter along Delta Street from property corner to property corner (=/-100')

- Permitted uses:
 - a. Primary: Restaurant
 - b. Secondary: Hotel
 - Building elevation and type of construction:
 - a. Building height shall be restricted to a total of six (6) stories above finished grade.
 - b. Building façade (front & sides only) shall be constructed with masonry or concrete treated finish appearance (whether actual or simulated) similar in some fashion to the photo exhibits submitted.
 - Dumpster enclosure and service entrances shall be screened from view with either a landscape berm, screen wall or a combination of both.
 - Request a period of up to twelve (12) months following rezoning for removal of all nonconforming vehicles and uses from the project site.
4. **Board of Zoning Appeals (BZA).** The Zoning Official has determined that no variances will be needed for the development of the property as proposed.
5. **Previous Actions.** The following items in the immediate area have required City Council approval:
- On December 8, 1992 the City Council approved the rezoning petition of George A. & Sue Cox from I-2, Light Industrial District to B-5, General Business District (Conditional) at 121 Delta St.
 - On December 14, 1993 the City Council approved the rezoning petition of Charleston Trading Company from I-2, Light Industrial District to B-5, General Business District (Conditional) at 4009–4013 Wards Rd.
 - On January 26, 1999 the City Council approved the rezoning petition of Faison/Trammel Crow from R-3, Two-Family Residential District, R-4, Multi-Family Residential District, R-5, Multi-Family Residential District and B-5, General Business District to B-5, General Business District (Conditional) at Wards Rd. and Atlanta Ave.
 - On January 26, 1999 the City Council approved the Conditional Use Permit request of Faison/Trammel Crow to allow fill in the flood plain at Wards Rd. and Atlanta Ave.
6. **Site Description.** The subject property is bounded to the north, south and west by commercial uses and to the east across Norfolk-Southern Railway by an Institutional use (Liberty University).
7. **Proposed Use of Property.** The purpose of the rezoning is to allow the construction of a restaurant and associated parking areas.
8. **Traffic and Parking.** The City Traffic Engineer is concerned that the traffic volume generated from a restaurant use will exceed the capacity of Delta St. and will result in unsafe conditions at the intersection of Delta St. and Wards Rd. For these reasons the City Traffic Engineer and the Planning Division requested that a traffic study be submitted.

A traffic study has been submitted and reviewed by the City's Traffic Engineer. Based upon the study the City Traffic Engineer recommends the following:

- a. A concrete median should be constructed at the throat of Delta Street to help channel traffic. The median should be at least three (3) feet wide to accommodate landscaping.
- b. The City will monitor the median opening on Wards Road after the development is constructed to determine if “U-Turns” should be prohibited at the crossover.
- c. The City will monitor the median opening on Wards Road after the development is constructed to determine if the crossover should be channeled or closed.

Section 35.1-25, Off-street parking and loading, of the Zoning Ordinance requires that one (1) parking space for each three (3) seats in the restaurant plus one (1) space for every three (3) employees on duty at one time be provided. The submitted site plan indicates a one hundred eighty-five (185) seat restaurant with fifteen (15) employees. A total of sixty-seven (67) parking spaces would be required and sixty-nine (69) parking spaces are proposed.

9. **Stormwater Management.** A stormwater management plan will be required for the building and parking additions because disturbed areas will exceed 1,000 square feet. Storm water management will be addressed by either a surface retention basin or underground detention system.
10. **Impact.** The petition proposes to rezone the property from I-2, Light Industrial District and B-5, General Business District (Conditional) to allow the construction of a restaurant.

The subject property is located at a major gateway into the City from U.S. Route 460. The *Comprehensive Plan* states that “for each gateway the City should work in partnership with VDOT and property owners to identify opportunities for landscape improvements, entry signs, and potential improvements to surrounding properties, as well as a long-term maintenance plan.”

The proposed rezoning of 109 Delta Street to allow the construction of a restaurant and the pending rezoning of 113, 121, & 125 Delta Street to allow the construction of a hotel will be an improvement for this gateway into the City. Rezoning decisions should be based on the “highest and best” use for the property and the Future Land Use Map. The evolution of the Wards Road corridor into a major retail area and the relatively small acreage of the parcel do not make it feasible for industrial uses. The proposed rezoning is in compliance with the Future Land Use Map.

11. **Technical Review Committee.** The Technical Review Committee (TRC) reviewed the preliminary site plan on June 22, 2004. Comments were minor in nature and have or will be addressed by the developer prior to final site plan approval.

VI. PLANNING DIVISION RECOMMENDATION

Based on the preceding Findings of Fact, the Planning Commission recommends approval of the rezoning of 109 Delta Street from I-2, Light Industrial District to B-5, General Business District (Conditional) with the voluntarily submitted proffers.

This matter is respectfully offered for your consideration.

William T. Martin, AICP
City Planner

pc: Mr. L. Kimball Payne, III, City Manager
Mr. Walter C. Erwin, City Attorney
Ms. Rachel O. Flynn, Director of Community Planning & Development
Mr. Bruce A. McNabb, Director of Public Works
Mr. R. Douglas Dejarnette, Fire Marshal
Ms. Judith C. Wiegand, Senior Planner
Mr. J. Lee Newland, Director of Engineering
Mr. Gerry L. Harter, Traffic Engineer
Mr. Karl Cooler, Building Commissioner
Mr. Arthur L. Tolley, Zoning Official
Mr. Robert S. Fowler, Zoning Official
Mr. Kent White, Environmental Planner
Mr. David N. Blanks, Little Horse, LLC., Petitioner
Mr. W. Thomas Austin, P.E., Representative

VII. ATTACHMENTS

- 1. Vicinity Zoning Pattern**
(see attached map)
- 2. Vicinity Proposed Land Use**
(see attached map)
- 3. Site Plan**
(see attached site plans)
- 4. Photos**
(see attached photos)
- 5. Narrative**
(see attached narrative)